

EXHIBIT Q

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,)
Plaintiff,)
v.) Civil Action
GOOGLE LLC,) No. 1:19-cv-12551-FDS
Defendant.) Pages 1 to 33

BEFORE THE HONORABLE CHIEF JUDGE DENNIS F. SAYLOR, IV
UNITED STATES DISTRICT JUDGE

MOTION HEARING
Via Videoconference

May 24, 2023
2:01 p.m.

John J. Moakley United States Courthouse
One Courthouse Way
Boston, Massachusetts 02210

Linda Walsh, RPR, CRR
Official Court Reporter

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1 Thank you, Your Honor.

2 THE COURT: All right. Thank you. All right. In
3 light of where we are in the case, I'm going to rule now from
4 the bench rather than writing an opinion. There's always a
02:35 5 danger I'm going to misspeak or get something wrong or use a
6 shorthand phrase when I mean something more precise, but I
7 think it's important to resolve this issue.

8 So I'm going to deny the motion to strike. My
9 understanding is that since this litigation began, Singular has
02:36 10 advanced an infringement theory that there were two components
11 or pieces or functions here, a rounding or precision-reducing
12 circuit and a multiplier. As I understand it, Singular
13 apparently believed at the outset based on publicly available
14 information that the precision-reducing circuit was in the MXU.
02:36 15 It said it did that based on publicly available Google
16 documents which it says were incorrect.

17 In any event, that proved to be not quite accurate,
18 and at some point Singular says it's after the production of
19 the source code that Google says it was the source code plus
02:37 20 depositions of engineers, but in any event, at some point, and
21 about three weeks or so after the source code was produced,
22 Singular supplemented its contentions. I don't think it much
23 matters in terms of whether that was deemed an amendment or a
24 supplementation. In any event, it occurred. And the
02:37 25 supplemental contentions make clear that the precision-reducing

1 or rounding circuit is in the VPU.

2 I am struggling to see, and I'm not convinced that
3 this distinction is material, that is, where the rounding
4 function occurs geographically on the chip. I think the
02:37 5 critical issue is whether the device infringes by using a
6 precision-reducing circuit and a multiplier, which taken as a
7 whole, represent an LPHDR execution unit, and the devices
8 that -- the accused device is the Google TPU.

9 But in any event, I see no violation or material
02:38 10 violation of the Court's order or the local rules concerning
11 disclosure of infringement contentions, much less a violation
12 serious enough to warrant preclusion, which is an
13 extraordinarily serious response.

14 And I agree with the proposition that this is not a
02:38 15 Rule 37 discovery issue. It's really a Rule 16 issue, speaking
16 broadly. That is the Court's orders concerning disclosures and
17 the applicable local rules.

18 To the extent that there were any imperfections or
19 delays in all of this, it seems to me that they are minor. I
02:39 20 certainly see no material prejudice. Google has had the
21 supplemental contentions available to it for about a year or
22 so. It's had the expert report of Dr. Khatri since last
23 December. It's now May. Trial is not until September. I
24 believe that Google has had ample time to respond under the
02:39 25 circumstances, and I need not now decide anything broader than